

CRIMINAL HOUSING MANAGEMENT

CHAPTER 720

ILLINOIS COMPILED STATUTES

5/12-5.1 – 5/12-5.15

(720 ILCS 5/12-5.1) (from Ch. 38, par. 12-5.1)

Sec. 12-5.1. Criminal housing management. (a) A person commits the offense of criminal housing management when, having personal management or control of residential real estate, whether as a legal or equitable owner or as a managing agent or otherwise, he recklessly permits the physical condition or facilities of the residential real estate to become or remain in any condition which endangers the health or safety of any person.

(b) Sentence.

Criminal housing management is a Class A misdemeanor. A subsequent conviction for a violation of subsection (a) is a Class 4 felony.

(Source: P.A. 85-341.)

(720 ILCS 5/12-5.2) (from Ch. 38, par. 12-5.2)

Sec. 12-5.2. Injunction.

(a) In addition to any other remedies, the State's Attorney of the county where the residential property which endangers the health or safety of any person exists is authorized to file a complaint and apply to the circuit court for a temporary restraining order, and such circuit court shall upon hearing grant a temporary restraining order or a preliminary or permanent injunction, without bond, restraining any person who owns, manages, or has any equitable interest in the property, from collecting, receiving or benefiting from any rents or other monies available from the property, so long as the property remains in a condition which endangers the health or safety of any person.

(b) The court may order any rents or other monies owed to be paid into an escrow account. The funds are to be paid out of the escrow account only to satisfy the reasonable cost of necessary repairs of the property which had been incurred or will be incurred in ameliorating the condition of the property as described in subsection (a), payment of delinquent real estate taxes on the property or payment of other legal debts relating to the property. The court may order that funds remain in escrow for a reasonable time after the completion of all necessary repairs to assure continued upkeep of the property and satisfaction of other outstanding legal debts of the property.

(c) The owner shall be responsible for contracting to have necessary repairs completed and shall be required to submit all bills, together with certificates of completion, to the manager of the escrow account within 30 days after their receipt by the owner.

(d) In contracting for any repairs required pursuant to this Section the owner of the property shall enter into a contract only after receiving bids from at least 3 independent contractors capable of making the necessary repairs. If the owner does not contract for the repairs with the lowest bidder, he shall file an affidavit with the court explaining why the lowest bid was not acceptable. At no time, under the

provisions of this Act, shall the owner contract with anyone who is not a licensed contractor. The court may order release of those funds in the escrow account that are in excess of the monies that the court determines to its satisfaction are needed to correct the condition of the property as described in subsection (a).

(e) The Clerk of the Circuit Court shall maintain a separate trust account entitled "Property Improvement Trust Account", which shall serve as the depository for the escrowed funds prescribed by this Section. The Clerk of the Court shall be responsible for the receipt, disbursement, monitoring and maintenance of all funds entrusted to this account, and shall provide to the court a quarterly accounting of the activities for any property, with funds in such account, unless the court orders accountings on a more frequent basis.

The Clerk of the Circuit Court shall promulgate rules and procedures to administer the provisions of this Act.

(f) Nothing in this Section shall in any way be construed to limit or alter any existing liability incurred, or to be incurred, by the owner or manager except as expressly provided in this Act. Nor shall anything in this Section be construed to create any liability on behalf of the Clerk of the Court, the State's Attorney's office or any other governmental agency involved in this action.

Nor shall anything in this Section be construed to authorize tenants to refrain from paying rent.

(g) Costs. As part of the costs of an action under this Section, the court shall assess a reasonable fee against the defendant to be paid to the Clerk of the Court. This amount is to be used solely for the maintenance of the Property Improvement Trust Account. No money obtained directly or indirectly from the property subject to the case may be used to satisfy this cost.

(h) The municipal building department or other entity responsible for inspection of property and the enforcement of such local requirements shall, within 5 business days of a request by the State's Attorney, provide all documents requested, which shall include, but not be limited to, all records of inspections, permits and other information relating to any property.

(Source: P.A. 88-240.)

(720 ILCS 5/12-5.15)

Sec. 12-5.15. Aggravated criminal housing management.

(a) A person commits the offense of aggravated criminal housing management when he or she commits the offense of criminal housing management; and:

(1) the condition endangering the health or safety of a person is determined to be a contributing factor in the death of that person; and

(2) the person also conceals or attempts to conceal the condition that endangered the health or safety of the person that is found to be a contributing factor in that death.

(b) Sentence. Aggravated criminal housing management is a Class 4 felony.

(Source: P.A. 93-852, eff. 8-2-04.)